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Attorney for Plaintiff
ONEBEACON INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ONEBEACON INSURANCE COMPANY,

Plaintiff(s),

v.

HAAS INDUSTRIES, INC.,

Defendant(s).

Case No: C-07-3540 BZ

**OPPOSITION TO DEFENDANT HAAS
INDUSTRIES, INC.'S MOTION FOR
ATTORNEY FEES**

Date: July 1, 2008
Time: 9:00 a.m.
Courtroom: Courtroom G

Requests for attorneys' fees are not allowed if they are not requested in the initial pleadings. In Re: American Casualty Co., 851 F.2d 794, 802 (6th Cir. 1988); Western Casualty & Surety v. Southwestern Bell Tel. Co., 396 F.2d 351, 356 (8th Cir. 1968). This is particularly true where there is no right to fees inherent in the claim upon which the request is predicated. Wilson v. William Hall Chevrolet, Inc., 871 F.Supp. 279 (S.D. Miss. 1994) Attorneys' fees are not recoverable in Carmack cases. Accura Systems v. Watkins, 98 F.3d 874 (5th Cir. 1996); Polygram Group Distribution Inc. v. Transus, Inc., 990 F.Supp. 1454 (N.D. Ga 1997)

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1 Under Rule 9(g) attorneys' fees must be requested in the answer in order for a defendant
2 to apply for them. Schwarzer, Tashima & Wagstaff, Federal Civil Procedure Before Trial,
3 p. 8-73, 8-113.

4 Haas did not do so.

6 Respectfully submitted

7 DATED: August 13, 2008

JAMES ATTRIDGE

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10 By: /s/ James Attridge
11 JAMES ATTRIDGE
12 Attorney for Plaintiff
13 ONEBEACON INSURANCE COMPANY
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